

39-5-1. Power of governor to execute.

The governor of this state is authorized to execute a compact on behalf of the state of Utah with any one or more of the states of the United States and the District of Columbia.

Amended by Chapter 211, 1997 General Session

39-5-2. Form of compact.

The compact shall be in substantially the following form:

The contracting states solemnly agree:

Article 1

PURPOSE OF ACT -- UTILIZATION OF RESOURCES --
DIRECTORS ACT AS COMMITTEE

The purpose of this compact is to provide mutual aid among the States in meeting any emergency or disaster as defined in Section 53-2a-102, from enemy attack or other cause, natural or otherwise, including sabotage and subversive acts and direct attacks by bombs, shellfire, and atomic, radiological, chemical, bacteriological means, and other weapons. The prompt, full, and effective utilization of the resources of the respective States, including resources available from the United States Government or any other source, are essential to the safety, care, and welfare of the people in the event of an emergency, and any other resources, including personnel, equipment, or supplies, shall be incorporated into a plan or plans of mutual aid to be developed among the Civil Defense agencies or similar bodies of the States that are parties to this compact. The Directors of Civil Defense of all party States shall constitute a committee to formulate plans and take all necessary steps for the implementation of this compact.

Article 2

CIVIL DEFENSE PLANS -- CONSULTATIONS --
UNIFORMITY OF ACTION

It is the duty of each party State to formulate civil defense plans and programs for application within each State. There shall be frequent consultation between the representatives of the States and with the United States Government and the free exchange of information and plans, including inventories of any materials and equipment available for civil defense. In carrying out these civil defense plans and programs, the party States shall, if possible, provide and follow uniform standards, practices, and rules and regulations including:

- (1) insignia, arm bands, and other distinctive articles to designate and distinguish the different civil defense services;
- (2) blackouts and practice blackouts, air raid drills, mobilization of civil defense forces, and other tests and exercises;
- (3) warnings and signals for drills or attacks and the mechanical devices to be used in connection with them;
- (4) the effective screening or extinguishing of all lights, lighting devices, and appliances;
- (5) shutting off water mains, gas mains, electric power connections, and the suspension of all other utility services;
- (6) all materials or equipment used or to be used for civil defense purposes in

order to assure that the materials and equipment will be easily and freely interchangeable when used in or by any other party State;

(7) the conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic, prior, during, and subsequent to drills or attacks;

(8) the safety of public meetings or gatherings; and

(9) mobile support units.

Article 3

DUTIES OF MEMBER STATES

Any party State requested to render mutual aid shall take any action necessary to provide and make available the resources covered by this compact in accordance with its terms; provided that it is understood that the State rendering aid may withhold resources to the extent necessary to provide reasonable protection for itself. Each party State shall extend to the civil defense forces of any other party State, while operating within its State limits under the terms and conditions of this compact, the same powers, except that of arrest unless specifically authorized by the receiving State, duties, rights, privileges, and immunities as if they were performing their duties in the State in which normally employed or rendering services. Civil defense forces will continue under the command and control of their regular leaders but the organizational units will come under the operational control of the civil defense authorities of the State receiving assistance.

Article 4

EFFECT OF STATE LICENSE, CERTIFICATE OR PERMIT IN OTHER STATES

Any person holding a license, certificate, or other permit issued by any State evidencing the meeting of qualifications for professional, mechanical, or other skills, may render aid involving the skill in any party State to meet an emergency or disaster and that State shall recognize the license, certificate, or other permit as if issued in the State in which aid is rendered.

Article 5

RESTRICTION ON LIABILITY

No party State or its officers or employees rendering aid in another State pursuant to this compact shall be liable on account of any act or omission in good faith on the part of its forces while engaged, or on account of the maintenance or use of any equipment or supplies in connection with giving aid.

Article 6

BASIC CONSIDERATIONS AND AUXILIARY ACTION

(1) Since it is probable that the pattern and detail of the machinery for mutual aid among two or more States may differ from that appropriate among other States party to this compact, this instrument contains elements of a broad base common to all States, and nothing contained in it shall preclude any State from entering into supplementary agreements with another State or States. Any supplementary agreements may comprehend, but shall not be limited to provisions for evacuation and reception of injured and other persons, and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, equipment, and supplies.

(2) Any supplementary agreement made to implement this Article may not be

construed to abridge, impair, or supersede any other provision of this compact or any obligation undertaken by a State pursuant to the terms of this compact. A supplementary agreement implementing this Article may modify, expand, or add to any obligation among the parties to the supplementary agreement.

Article 7

COMPENSATION AND BENEFITS

Each party State shall provide for the payment of compensation and death benefits to injured members of the civil defense forces of that State and the representatives of deceased members of the forces of that State in case the members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within that State.

Article 8

CONTRIBUTIONS AND REIMBURSEMENTS

Any party State rendering aid in another State pursuant to this compact shall be reimbursed by the party State receiving aid for any loss or damage to or expense incurred in the operation of any equipment answering a request for aid, and for the cost incurred in connection with the requests; provided that any aiding party State may assume in whole or in part any loss, damage, expense, or other cost, or may loan any equipment or donate any services to the receiving party State without charge or cost; and provided further that any two or more party States may enter into supplementary agreements establishing a different allocation of costs as among those States. The United States Government may relieve the party States receiving aid from any liability and reimburse the party State supplying civil defense forces for the compensation paid to and the transportation, subsistence, and maintenance expenses of its forces during the time of the rendition of aid or assistance outside the State and may also pay fair and reasonable compensation for the use or utilization of the supplies, materials, equipment, or facilities so utilized or consumed.

Article 9

PLANS FOR EVACUATION AND RECEPTION OF POPULATIONS

Plans for the orderly evacuation and reception of the civilian population as the result of an emergency or disaster shall be worked out from time to time between representatives of the party States and the various local civil defense areas. Any plans shall include the manner of transporting evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends and the forwarding of evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Any plans shall provide that the party State receiving evacuees shall be reimbursed generally for the out of pocket expenses incurred in receiving and caring for the evacuees, for expenditures for transportation, food, clothing, medicines and medical care, and like items. Any expenditures shall be reimbursed by the party State of which the evacuees are residents, or by the United States Government under plans approved by it. After the termination of the emergency or disaster, the party State of which the evacuees are residents shall assume the responsibility for the ultimate support or repatriation of the evacuees.

Article 10
MEMBER STATES

This compact shall be available to any state of the United States and the District of Columbia.

Article 11
COMMITTEE ACTION AND REQUESTS

The committee established pursuant to Article 1 of this compact may request the Civil Defense Agency of the United States Government to act as an informational and coordinating body under this compact, and representatives of that agency of the United States Government may attend meetings of the committee.

Article 12
WHEN COMPACT EFFECTIVE

This compact shall become operative immediately upon its ratification by any of the States and Territories enumerated in Article 10 of this compact as between it and the State of Utah and any other of the States or Territories ratifying it and shall be subject to approval by Congress unless prior Congressional approval has been given. Duly authenticated copies of this compact and of any supplementary agreements entered into shall, at the time of their approval, be deposited with each of the party States and with the Civil Defense Agency and other appropriate agencies of the United States Government.

Article 13
DURATION OF COMPACT

This compact shall continue in force and remain binding on each party State until the Legislature or the Governor of the party State takes action to withdraw from it. Any action to withdraw shall not be effective until 30 days after notice of the action has been sent by the Governor of the party State desiring to withdraw to the Governors of all other party States.

Article 14
CONSTRUCTION OF COMPACT -- CONSTITUTIONALITY

This compact shall be construed to effectuate the purposes stated in Article 1. If any provision of this compact is declared unconstitutional, or the applicability to any person or circumstance is held invalid, the constitutionality of the remainder of this compact and the applicability to other persons and circumstances shall not be affected.

Article 15
SCOPE OF COMPACT

- (1) In addition to the situations in Article 1, this compact shall apply to:
- (a) searches for and rescue of persons who are lost, marooned, or otherwise in danger;
 - (b) actions useful in coping with any disasters or designed to increase the capability to cope with any disasters;
 - (c) incidents, or the threat of incidents, which endanger the health or safety of the public and which require the use of special equipment, trained personnel, or personnel in larger numbers than are locally available in order to reduce, counteract, or remove the danger;
 - (d) giving and receiving aid between political subdivisions of party States; and
 - (e) exercises, drills, or other training or practice activities designed to aid

personnel to prepare for, cope with, or prevent any disaster or other emergency to which this compact applies.

(2) Except as expressly limited by this compact or a supplementary agreement, any aid authorized by this compact or a supplementary agreement may be furnished by any agency of a party State, a political subdivision of the State, or by a joint agency of any two or more party States or of their subdivisions. Any joint agency providing aid shall be entitled to reimbursement to the same extent and in the same manner as a state. The personnel of a joint agency, when rendering aid under this compact shall have the same rights, authority, and immunity as personnel of party States.

(3) Nothing in this Article shall be construed to exclude from coverage under Articles 1 through 14 of this compact any matter which, in the absence of this Article, could reasonably be construed to be covered.

Amended by Chapter 295, 2013 General Session

39-5-3. Owner of property free from liability for injuries to persons or property during actual, impending, or mock attack.

Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending, mock or practice attack, shall, together with his successors in interest, if any, not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises or for loss of, or damage to, the property of such person.

Enacted by Chapter 130, 1955 General Session